

Appln No. 10/618,033
Amdt date July 6, 2010
Reply to Office action of March 4, 2010

REMARKS/ARGUMENTS

In the Office action dated March 4, 2010, the Examiner rejected claims 3, 4, 7, 14-17, 19 and 23-26 under 35 U.S.C. §102(b) as allegedly anticipated by Bonutti (U.S. Patent No. 5,888,196). However, Applicant has amended independent claims 25 and 26 to recite that when the segments of the segmented surface are in the open configuration, the generally rigid tube segments are separate from each other. Accordingly, independent claims 25 and 26 recite, in relevant part, *three or more* generally rigid tube segments, each tube segment *extending distally from one of the three or more segments of the segmented surface*, and that when the segments of the segmented surface are in the open configuration, the generally rigid tube segments are *separate from each other*. The Examiner points to component 62 as akin to *both* the segments of the segmented surface *and* the generally rigid tube segments. Component 62 does not include *three or more* generally rigid tube segments *extending distally from one of the three or more segments of the segmented surface*. Indeed, none of the figures in Bonutti depict *three or more* tube segments, and Bonutti nowhere describes such a configuration. Additionally, Bonutti fails to teach or suggest an open configuration in which such tube segments are *separate from each other*. Accordingly, independent claims 25 and 26, and all claims dependent therefrom, including claims 3, 4, 7, 14-17, 19, 23 and 24, are allowable over Bonutti.

The Examiner also rejected claims 9-12 under 35 U.S.C. §103(a) as allegedly obvious over Bonutti. However, each of claims 9-12 depends from independent claim 25, which is allowable over Bonutti, as discussed above. Accordingly, dependent claims 9-12 are also allowable over Bonutti for at least the reasons discussed above.

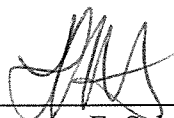
Claims 3, 4, 7, 9-17, 19 and 23-26 remain pending in this application. By this amendment, Applicant has amended claims 25 and 26 to place the claims in condition for allowance. The amendments find full support in the original specification, claims and drawings, and no new matter is presented. In view of the above amendments and remarks, Applicant submits that all of pending claims 3, 4, 7, 9-17, 19 and 23-26 are in condition for allowance. Applicant therefore respectfully requests reconsideration and a timely indication of allowance.

Appln No. 10/618,033
Amdt date July 6, 2010
Reply to Office action of March 4, 2010

However, if there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number indicated below.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By



Lauren E. Schneider
Reg. No. 63,712
626/795-9900

LES/les

AGJ PAS908849.1-*07/6/10 3:30 PM